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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,818	02/22/2002	Thomas Dean Gulley	46893/DRK/S1050	9926

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EXAMINER

BANNAPRADIST, LISA M

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,818

Applicant(s)

GULLEY, THOMAS DEAN

Examiner

Lisa Bannapradist

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because the end of the female barrel is denoted “28a” when it should be “24b” in **Fig. 3**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. **Claims 1, 2, 9, 10 and 17** are objected to because of the following informalities:
- a. Claim 1: “interior bore” in lines 17 and 20 should read “axial bore”
 - b. Claim 2: “outer surface” in line 2 should read “outside surface”
 - c. Claim 9: “interior bore” in line 30 should read “axial bore”
 - d. Claim 10: “outer surface” in line 2 should read “outside surface”
 - e. Claim 17: “second barrel portion” in line 7 should read “second male barrel portion”

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter to which the applicant regards as his invention.

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4. **Claim 13** recites the limitation "the main body portion" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claim 17** is rejected under 35 U.S.C. 102(b) as being anticipated by US 5,561,886 to Flamme.

Flamme discloses a cylindrical female barrel portion (20) and first and second cylindrical male barrel portions (11, 12). The female barrel portion has an outside surface and interior bore, while the male barrel portions have pin extensions (13) and pin ends (13) substantially as claimed. The female portion comprises seamless cylindrical tubing (tubular part of 20). The two male portions are inserted into the interior bore.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 4, 5, 8, 9 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,561,886 to Flamme in view of US 5,774,938 to Kent et al.

Flamme discloses a cylindrical female barrel portion (20) and first and second cylindrical male barrel portions (11, 12). The female barrel portion has a sidewall (21), outside surface, axial bore, and interior wall surface while the male barrel portions have a main body portion (25), outer surface, pin extension (13), and pin ends (13) substantially as claimed. The female portion comprises seamless cylindrical tubing (tubular part of 20). The two male portions are identical and are rotatably received in the female portion.

Flamme fails to disclose an aperture within the female portion for a lubricant fitting. **Kent** teaches a female portion (10) with an aperture for a lubricant fitting (58) for the purpose of providing the interior spaces of the cylindrical portions of the hinge with grease. Grease protects various assemblies from outside contaminants. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a lubricant fitting into an aperture within Flamme's female member in order for the hinge to retain lubrication, which protects the assembly from outside contaminants (col. 11, line 57 – col. 12 line 3).

9. **Claims 3 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flamme in view of Kent as applied to claim 1 above, and further in view of US 5,771,538 to Huppert, Sr.

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The combination of Flamme and Kent fails to disclose the lubricant fitting as threadably engageable with the female barrel portion. **Huppert** teaches a lubricant fitting (16) which is threadably engaged (col. 2, lines 7-8) with the barrel portion (14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fasten the lubricant fitting with threads to the female barrel portion so that one can readily remove a grease removing instrument without the lubricant fitting falling off (col. 2 lines 13-14).

10. **Claims 2 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flamme in view of Kent as applied to claim 1 above, and further in view of US 132,147 to Dodge.

The combination of Flamme and Kent fail to disclose bevels as claimed by applicant. **Dodge** teaches the ends of a female barrel portion as beveled (c) and the main portions of the male barrel portion as also beveled (l) so that when the portions are connected together, the joint is so closed as to exclude rain and dust which would otherwise get into the socket and displace the lubricant and wear away the surfaces (col. 2, last full paragraph). It would have been obvious to one having ordinary skill in the art at the time the invention was made to bevel the edges of Flamme's portions in order to prevent dust and rain from entering the hinge.

11. **Claims 6, 7, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flamme in view of Kent as applied to claim 1 above, and further in view of US 470,514 to Simpson.

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Flamme discloses the pin extensions of the male portions as machined at one end thereof but fails to disclose using bar stock or tubing stock to make the male barrel portions as claimed. **Simpson** teaches male barrel portions (A, B) constructed from bar or tubing stock. The selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use bar stock or tube stock for Flamme's invention since bar stock and tube stock are known in the art and choosing these materials is a design consideration within the skill of the art.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 853,507 to Fielding, US 1,433,095 to Peary, US 4,307,486 to Matsumoto, and US 6,460,220 to Jackson.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Bannapradist whose telephone number is 703-305-4806. The examiner can normally be reached on Mon-Thurs and every other Friday from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

A handwritten signature in black ink, appearing to read "Anthony Knight", is written over the printed name.

Anthony Knight
Supervisory Patent Examiner
Technology Center 3600

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March 6, 2003